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AMENDMENTS TO LB 20

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Section 86-128, Revised Statutes Supplement,
4 2002, is amended to read:

5 86-128. (1)(a) To preserve the integrity of a ubiquitous
6 network, to preserve and advance universal service, and to ensure
7 the delivery of essential and emergency telecommunications service,
8 telecommunications common carriers and telecommunications contract
9 carriers in Nebraska are subject to regulation by the commission.
10 In addition to the requirements of section 86-129, a person shall
11 file an application and receive either a certificate of convenience
12 and necessity as a telecommunications common carrier or a permit as
13 a telecommunications contract carrier before such person may (i)
14 offer any telecommunications service or (ii) construct new
15 telecommunications facilities in, or extend existing
16 telecommunications facilities into, the territory of another
17 telecommunications company to provide any telecommunications
18 service.

19 (b) ~~The commission may only issue a certificate of~~
20 ~~convenience and necessity as a telecommunications common carrier or~~
21 ~~a permit as a telecommunications contract carrier after due notice~~
22 ~~and hearing pursuant to commission rules and regulations. The~~
23 ~~commission shall not issue a certificate or a permit to an agency~~
24 ~~or political subdivision of the state. The commission may only~~

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1 issue a certificate of convenience and necessity as a
2 telecommunications common carrier or a permit as a
3 telecommunications contract carrier after due notice and hearing
4 pursuant to commission rules and regulations. The commission shall
5 not issue a certificate or a permit to an agency or political
6 subdivision of the state.

7 (2) If a telecommunications company holds a certificate
8 of convenience and necessity as a telecommunications common
9 carrier, it shall not be required to obtain a permit as a
10 telecommunications contract carrier.

11 (3) The commission may establish such just and reasonable
12 classifications of groups of telecommunications common carriers and
13 telecommunications contract carriers taking into consideration the
14 special nature of the telecommunications service performed by such
15 carriers. The commission may adopt and promulgate rules,
16 regulations, and requirements to be observed by a carrier so
17 classified or grouped as the commission deems necessary or
18 desirable and in the public interest.

19 (4) The commission may waive applicability of subsection
20 (1) of this section as to the provision of intra-LATA interexchange
21 service under rules and regulations applicable to all
22 telecommunications companies providing such interexchange service.
23 After such waiver, the certificate or permit for and provision of
24 intra-LATA interexchange service shall be governed by the statutes,
25 rules, and regulations for a certificate or permit for and
26 provision of inter-LATA interexchange service.

27 Sec. 2. Section 86-575, Revised Statutes Supplement,

1 2002, is amended to read:

2 86-575. (1) Any agency or political subdivision of the
3 state may:

4 (a) Own dark fiber;

5 (b) Sell dark fiber pursuant to section 86-576; and

6 (c) Lease dark fiber pursuant to section 86-577.

7 (2) ~~No agency or political subdivision of the state shall~~
8 ~~provide telecommunications services for a fee, except as authorized~~
9 ~~in sections 79-1319, 81-1120.01 to 81-1120.28, 85-401 to 85-418,~~
10 ~~and 85-1501 to 85-1542, or be issued a certificate of convenience~~
11 ~~and necessity as a telecommunications common carrier or a permit as~~
12 ~~a telecommunications contract carrier. Any agency or political~~
13 ~~subdivision which sells or leases its dark fiber pursuant to~~
14 ~~sections 86-574 to 86-578 shall not be deemed to be providing~~
15 ~~telecommunications services for a fee. No agency or political~~
16 subdivision of the state shall provide telecommunications services
17 for a fee, except as authorized in sections 79-1319, 81-1120.01 to
18 81-1120.28, 85-401 to 85-418, and 85-1501 to 85-1542, or be issued
19 a certificate of convenience and necessity as a telecommunications
20 common carrier or a permit as a telecommunications contract
21 carrier. Any agency or political subdivision which sells or leases
22 its dark fiber pursuant to sections 86-574 to 86-578 shall not be
23 deemed to be providing telecommunications services for a fee.

24 Sec. 3. Original sections 86-128 and 86-575, Revised
25 Statutes Supplement, 2002, are repealed.

26 Sec. 4. Since an emergency exists, this act takes effect
27 when passed and approved according to law."